THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 21819 of 2000

ORDER:

The writ petition is filed questioning the action of the 1st respondent in not considering the case of the petitioner for grant of freedom fighter pension as per the recommendation made by 2nd respondent through his letter No.63100FF.II/A2 (93.1) dated 8.10.1993 and clarification in Letter No.1677/FF.II/A1/95 dated 12.6.1995.

The petitioner states that he actively participated in the freedom movement against the then Nizam Government and Razakars by conducting public meetings in different villages and attacked the Police Stations under the leadership of late Sri K.V.Narsinga Rao, Camp Incharge of Chanda Border Camp. He further states that he was issued with arrest warrant vide Letter No.2/Cong/57 dated 15th Ardi Behisth at S.No.10 and to escape the said arrest, he went underground for six months. As such he is entitled to freedom fighter's pension under the scheme introduced by the Government of India and pursuant to the same, he made an application to the 1st respondent along with relevant documents. The petitioner states that on his application, 2nd respondent directed the District Collector, Karimnagar to conduct an enquiry with regard to participation of the petitioner in the freedom movement. The District Collector, in turn directed the Revenue Divisional Officer, Karimnagar to conduct enquiry. Accordingly, the Revenue Divisional Officer, Karimnagar conducted a detailed enquiry and submitted report to the District Collector, Karimnagar on 5.4.1993. The petitioner further states that the District Collector after satisfying with the enquiry and evidence on record, submitted report to the 2nd respondent duly recommending the case of the petitioner for freedom fighter's pension. He states that the 2nd respondent after considering the material available on record and report of the Collector, Karimnagar recommended the case of the petitioner to 1st respondent by his letter dated 8.10.1993 and the letter dated

12.6.1995 for grant of freedom fighter pension to the petitioner. The grievance of the petitioner in this writ petition is that in spite of the above, the 1st respondent neither considered the case of the petitioner nor rejected the request of the petitioner for grant of freedom fighter pension. Hence the writ petition.

Heard the learned counsel for petitioner and the learned Standing Counsel for Central Government.

Even though the writ petition is of the year 2000, the respondents have not filed any counter in the matter. The matter underwent adjournments twice for filing counter affidavit by the respondents. On 19.7.2005, Mr.A.Gopala Krishnamacharyulu, learned counsel appearing for respondents finally sought two weeks time for filing counter. Therefore, this Court while adjourning the matter for two weeks, passed a conditional order that if no counter affidavit is filed within the said period, the respondents shall pay a sum of Rs.5000/- towards costs.

Today, when the matter came up for consideration, the learned counsel appearing for respondents has neither filed counter affidavit nor is ready with the instructions in the matter.

In the circumstances, this Court is left with no other alternative, but to believe the version of the petitioner as narrated in the affidavit to be true and correct.

Accordingly, this writ petition is allowed as prayed for and the Respondents are directed to pay the freedom fighter's pension to the petitioner as per the recommendations made by the District Collector, Karimnagar. No costs.

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N.V.RAMANA, J

Date: 5.8.2005

DA/NSR

THE HON'BLE SRI JUSTICE N.V.RAMANA

9.8.2005

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 21819 of 2000

Dated : 5.8.2005

Between:

Govindu Rajesham

.. Petitioner

and

Union of India, rep. by its

Deputy Secretary to Government,

Ministry of Home Affairs, Freedom Khan Market,

New Delhi & another.

.. Respondents